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02
03 UNITED STATES DISTRICT COURT
04 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

05 UNITED STATES OF AMERICA,) CASE NO. CR04-178-MJP
06)
Plaintiff,)
07)
v.) SUMMARY REPORT OF U.S.
08) MAGISTRATE JUDGE AS TO
PHILIP JAMES POWLUS,) ALLEGED VIOLATIONS
09) OF SUPERVISED RELEASE
Defendant.)
_____)

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11 An evidentiary hearing on supervised release revocation in this case was scheduled before
12 me on June 9, 2008. The United States was represented by AUSA Michael J. Lang and the
13 defendant by Ralph Hurvitz. The proceedings were digitally recorded.

14 Defendant had been sentenced on or about June 6, 2005 by the Honorable Marsha J.
15 Pechman on a charge of Conspiracy to Distribute Over 500 Grams of Cocaine, and sentenced to
16 60 months custody, 5 years supervised release. (Dkt. 139.)

17 The conditions of supervised release included the standard conditions plus the requirements
18 that defendant be prohibited from possessing a firearm, submit to mandatory drug testing,
19 participate in a substance abuse program, abstain from alcohol, submit to search, provide access
20 to financial information, maintain a single checking account for all financial transactions, provide
21 information about any business interests, and disclose all assets and liabilities.

22 In an application dated May 7, 2008 (Dkt. 148), U.S. Probation Officer Jennifer J. Tien

alleged the following violations of the conditions of supervised release:

1. Failing to report for urinalysis testing on February 19, 2008; March 28, 2008; and April 8, 2008 in violation of the special condition of drug aftercare.

2. Using cocaine on or before April 10, 2008, in violation of standard condition number seven.

3. Failing to report for urinalysis testing on April 25, 2008, and May 1, 2008, in violation of the special condition of drug aftercare.

4. Failing to work regularly at a lawful occupation, unless excused by the probation officer, in violation of standard condition number five.

Defendant was advised in full as to those charges and as to his constitutional rights.

Defendant admitted the alleged violations and waived any evidentiary hearing as to whether they occurred. (Dkt. 155.)

I therefore recommend the Court find defendant violated his supervised release as alleged, and that the Court conduct a hearing limited to the issue of disposition. The next hearing will be set before Judge Pechman.

Pending a final determination by the Court, defendant has been detained.

DATED this 9th day of June, 2008.



Mary Alice Theiler
United States Magistrate Judge

cc:	District Judge:	Honorable Marsha J. Pechman
	AUSA:	Michael J. Lang
	Defendant's attorney:	Ralph Hurvitz
	Probation officer:	Jennifer J. Tien